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Attorney for Defendant/Appellant

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

United States of America,

Petitioner,

vs.

Abdul Malik Abdul Kareem,

Respondents.

No. 2:15-cr-00707 - SRB

**MOTION FOR APPELLATE
COUNSEL TO GAIN ACCESS TO
SEALED RECORDS AND
TRANSCRIPTS**

The defendant/appellant, Abdul Malik Abdul Kareem, by and through his court-appointed appellate counsel of record, Donna Lee Elm, moves this Honorable Court to enter an order authorizing counsel to have access to almost all transcripts, including those currently under seal, and other sealed documents in the Court's docket for this case. The government expressly asks to exclude from that its sealed documents that were submitted *in camera*, and undersigned counsel of course agrees to that. Consequently, the government's *ex parte* filings would not be made available to counsel although the defense *ex parte* and sealed documents would be made available. It is necessary for review and prosecution of his pending appeal, *United States v. Abdul Kareem*, Ninth Circuit case nos. 21-10315 and 20-10155.

In support of this motion, Mr. Abdul Kareem confirms that the undersigned has been appointed to represent him in his appeal of the judgment and sentence entered herein. Doc. 759. This case has an unusually sizable number of sealed records in its docket. Counsel needs to review those sealed records and transcripts in order to determine what issues can properly be raised on

1 appeal so as to provide Mr. Abdul Kareem effective assistance of appellate counsel. Counsel thus
2 moves for complete access to the Court's sealed filings and transcripts (except for the
3 government's *ex parte* sealed filings) in order to properly prosecute the pending appeal.

4 To be clear, counsel is not seeking to have any of the sealed material unsealed (which
5 would improperly make it available to the public). Rather, counsel simply moves to be granted
6 access to it and to be allowed to make copies of it to use for the direct appeal. Counsel has
7 consulted with AUSA Joseph Koehler regarding this motion and can confirm that the United
8 States has no objection to it being granted.

9
10 Additionally, Counsel appreciates the strict obligation to not disseminate any of the sealed
11 records – except filing them under seal in the Ninth Circuit Court of Appeals and sharing those
12 documents within the defense team. Furthermore, Counsel understands that there was a Protective
13 Order in place for much of the records and agrees to abide by that as well.

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15 Respectfully submitted on May 23, 2022.

16 DONNA LEE ELM

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18 /s/ Donna Lee Elm
19 Donna Lee Elm
20 Counsel for Mr. Abdul Kareem
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AUSA (DOJ) Jeffrey Smith

s/ Donna Lee Elm
Donna Lee Elm
Counsel for Petitioner